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COMMENTS TO:

Flight Training for Aliens and Other Designated Individuals; Security  
Awareness Training for Flight School Employees; Interim Rule

Docket # TSA-2004-19147

FOREWORD:

Having read through the above document, I have a number of comments and questions which are outlined below.

First, some background information about my piloting qualifications will aid in identifying how the rule will impact me:

I am a British Citizen, resident in the United States since 1999 with permanent resident ("green card") status. As such, I fall under the present definition of "Alien".

I am an FAA certificated Commercial pilot with the following ratings:

- Airplane Single Engine Land
- Airplane Single Engine Sea
- Airplane Multi Engine Land
- Instrument Airplane

I also have type ratings in the following airplanes:

- CE500 (Cessna Citation)
- B737
- B777

I am also an FAA certified flight instructor (CFI) for Single Engine airplanes.

This proposed rule is PARTICULARLY IMPORTANT to me, inasmuch as it affects me both as a pilot AND flight instructor.

## COMMENTS:

On page 56328, the rule defines Flight Training as:

*“...instruction received from a flight school in an aircraft, or aircraft simulator. As specified in Section 612 of Vision 100, the term does not include recurrent training, ground training, or demonstration flights for marketing purposes”*

AND Recurrent Training as:

*“...periodic training required for employees of certificated aircraft operators under 14 CFR part 61, 121, 125, 135, or Subpart K of part 91. Recurrent training programs are established by these operators and approved by the FAA for flight crewmembers to remain proficient in the performance of their duties during common carriage in an aircraft for compensation or hire”*

The definition of Flight Training above is far too wide-ranging and many forms of flight training fall outside the intent of the rule. The intent, as I understand it, is to detect applicants who may pose a security threat by taking aircraft flight training.

The rule outlines four categories of applicants:

*Category 1 is for candidates who are not eligible for expedited processing for flight training in the operation of aircraft weighing greater than 12,500 pounds.*

*Category 2 is for candidates who are eligible for expedited processing for flight training in the operation of aircraft weighing greater than 12,500 pounds.*

*Category 3 is for candidates applying for flight training in the operation of aircraft weighing 12,500 pounds or less.*

*Category 4 is for candidates applying for recurrent training.*

## CATEGORY 1 and 2:

I have no issues with Category 1 and 2 as they require notification of an applicant's desire to obtain an initial, or additional, type rating. This is consistent with the intent of the rule to notify the authorities when an applicant requests training on a NEW airplane type. Indeed, I have already been through this process.

## CATEGORY 3:

This category poses the greatest number of issues and inconsistencies.

How are the following types of “training” to be considered? :

- “Checkout” training when moving to a different airplane manufacturer, but within the same class (e.g. Cessna 150 to Piper Archer)
- “Complex” training (FAR 61.31 (e)) when moving to a complex aircraft (e.g. Piper Archer to Piper Arrow)
- “Tailwheel” training (FAR 61.31 (i))

- “High Performance” training (FAR 61.31 (f))

All of the above “training” types can be specific to an airplane class (e.g. Single Engine Land)  
Why is the TSA procedure required for this type of training?

Surely training that takes place within the context of the airplane class for which the alien is already certificated should not require notification.

On page 56334, the TSA states:

*The number of candidate applications for training on aircraft with an MTOW of 12,500 pounds or less is estimated to be 38,000 annually, which is equivalent to 190,000 for the first five years of the program. This estimate is based on FAA Airman Registry data. However, the FAA does not record the number of certificates issued to foreign nationals. Instead, the FAA records the overall number of certificates issued annually to all persons and the percentage of active non-U.S. citizens holding FAA certificates. The FAA estimates that the annual average of certificates issued to all persons over the last 6 years is 106,000 certificates. The FAA estimates that 18% of these certificates were issued to non-U.S. citizens, which is equivalent to 19,000 certificates. Therefore, TSA estimates that approximately 19,000 candidates will submit requests for this type of flight training each year*

The TSA is basing the estimate for training requests on the NUMBER OF CERTIFICATES issued annually to non US citizens. The training outlined above DOES NOT require the issuance of a new certificate. If the above types of training are not excluded from the rule, the number of applications will be SIGNIFICANTLY greater.

I would also like to know how the training required by the FLIGHT REVIEW (FAR 61.56) is to be treated. FAR 61.56 requires one hour (minimum) of flight training.

This DOES NOT fall under the TSA’s definition of recurrent training.

Is it to be the case then that a non US citizen has to apply as a Category 3 applicant for a simple flight review and provide fingerprints, while an applicant in Category 4 (possible recurrent type-rating training) does not ??

This also brings up the question of participation in the FAA’s Pilot Proficiency Award Program (WINGS). The program is detailed in AC 61-91H and provides an alternative to the Flight Review. The FAA strongly encourages participation, as it has been shown that pilots who participate in the program are safer, and have fewer incidents. The participant is required to fly with an instructor for 3 hours (flight training) and to cover all aspects of normal flight (takeoffs/landings, maneuvers etc). This training can be accomplished at any time during the two years preceding the required Flight Review. Many students of mine elect to take an hour of training every few months. How can this be subject to the new rule? Would it require a training request for each of the 3 hours of proficiency flight training?

How is training for a Commercial or Air Transport Pilot Certificate to be treated?

If an alien is already certificated as a Private Pilot, I find it hard to believe that the security threat will be increased just because the candidate has learnt how to perform a few additional maneuvers.

How is training for an Instrument rating to be treated?

Again, I do not believe there is any increase in security threat just because an alien wishes to add an instrument rating to a current pilot certificate.

I believe that the term "...flight training in the OPERATION of aircraft..." needs to be better defined. Training for an Instrument Rating or Commercial Certificate really does not include any additional training in how to "operate" the same airplane. Training, in these cases, is more related to performance tolerances, maneuvers etc.

I would propose that the intent for Category 3 should be the notification of an applicant's desire to obtain an INITIAL Pilot Certificate, ADDITIONAL Class rating, or ADDITIONAL Type rating.

#### FLIGHT INSTRUCTOR SPECIFIC ISSUES:

In line with the above comment regarding training for an Instrument Rating, under the current definition of "Training" I would personally be required to apply as a Category 3 candidate if I wish to undergo training for an Instrument Instructor rating.

This seems totally pointless. If I am already a Commercial Pilot with Instrument Rating, why do I need to apply for training to obtain an Instrument Rating on my Flight Instructor Certificate? There is ABSOLUTLEY no increase in security threat from this training. All it does is enable me to TEACH others how to fly instruments.

If the intent of the phrase "...flight training in the OPERATION of aircraft..." is supposed to be related to exactly that (i.e. learning how to FLY and OPERATE a particular aircraft) then an exception should be stated for Instrument training, which does not really require any ADDITIONAL training in the OPERATION of an aircraft.